

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8851 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

JAMNAGAR MUNICIPAL TRANSPORT CORPORATION,
Versus
GIRISH KATARIA

Appearance:

1. Special Civil Application No. 8851 of 2004
MS SEJAL K MANDAVIA for Petitioner No. 1
MR AJ SHASTRI for Respondent No. 1-9
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CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 03/09/2004

ORAL JUDGEMENT

Rule. Learned advocate Shri AJ Shastri waives service of notice of rule on behalf of the respondents. At the request of the learned advocates appearing for the parties, the petition is taken up for final disposal

today.

2. In this petition, the petitioner has challenged the order dated 22.4.04 passed by the Labour Court, Jamnagar by which the petitioner was directed to pay totally an amount of Rs.31,401/- to the respondents. The said order was passed on the basis of assumption that out of an amount of Rs.10,172/- ordered to be paid to each of the respondents, the petitioner had yet to pay an amount of Rs.3,489/- each. The learned advocate for the petitioner had pointed out that the order of the Labour Court does not take into account the amount of Rs.3,489/- paid to the respondents even prior to the earlier order dated 16th April 1998 and hence the confusion.

3. Appearing for the respondents, learned advocate Shri A.J.Shastri on instructions from respondent No.2 who is present in the Court submits that the averments of the petitioner's counsel is correct and the respondents have actually received the said amount separately. He, therefore, concedes that if the said amount is taken into account, no further amount is due and payable to the respondents.

4. In view of this agreed position, I find that the order dated 22.4.04 of the Labour Court is required to be set aside as the petitioner has already discharged its liability fully by paying the amount in question to the respondents.

5. In the result, the petition succeeds and the impugned order dated 22.4.04 is set aside. Rule is made absolute accordingly with no order as to costs.

(Akil Kureshi, J.)

(vjn)